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REMARKS

This application pertains to a novel device for emptying a hose bag.

Claims 1-6 are pending.

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as obvious over King et al in view of DE 38 73 178 to Morel. Applicants' have conducted a family search of the DE reference, to see if an English language counterpart exists, and have found one does exist, in the form of US 4,898,293.

As the Examiner reads the references, he sees King as lacking the double-edged, helix shaped cutting blade recited in Applicants' claims, but sees the Morel reference as showing such a cutting blade. The Examiner feels it would be obvious to substitute Morel's blade for that of the King reference because, in his view, the Morel blade would require a smaller rotation of the cutting device in order to open the bag, thus saving time and requiring less effort.

The Examiner may have overlooked the importance of the specific configuration of King's blade to operability of King's invention. The change the Examiner suggests would, in fact, render King's invention inoperable for its intended purpose, and would therefore never be considered.

The Examiner's attention is respectfully drawn to the language at col. 5, lines 18 - 43 of the King reference, where the operation of King's blade/nozzle is explained.

From this language, the Examiner will see that King's tip must carefully pierce film 76 (i.e., by a small incision) and, by gradually twisting, draw the film 76 onto the threads of the corkscrew nozzle and by the threads, into tapered portion 77 of the nozzle to ultimately trap the film between threads 70 and 75, and then draw it in until the shoulder between bore 68 and narrow bore 67 is reached, thereby forming a leak-proof seal.

If the helix-shaped cutting blade of Morel were substituted for King's special blade, the "threading" of the film onto the corkscrew could not be "started", there would be no film for the corkscrew to "grab", and the sealing operation would be rendered inoperable.

No person skilled in the art would destroy King's nozzle by substituting Morel's cutting blade for King's corkscrew piercing arrangement.

Accordingly, this combination of references cannot possibly render Applicants' claims obvious, and the rejection of Claims 1-6 under 35 U.S.C. 103(a) as obvious over King et al in view of DE 38 73 178 to Morel should now be withdrawn.

In view of the present remarks it is believed that claims 1-6 are now believed to be in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,  
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By 

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Date August 24, 2004

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